

HISTORIC PRESERVATION COMMISSION

Minutes

April 12, 2007
Salisbury, North Carolina

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, April 12, 2007, in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Vice-Chairman, Wayne Whitman. He welcomed all persons present and read the meeting's purpose and procedures.

In addition to Wayne Whitman, the following members were present and introduced themselves: Jack Errante, Ronald Fleming, Susan Hurt, Judy Kandl, Anne Lyles, and Anne Waters.

Swearing-in of New Member

Kathy Walters was sworn in as a new member with the oath of office administered by Wayne Whitman. She was welcomed by Commission members and seated.

Report from Nominating Committee

Anne Lyles reported that the nominating committee, having met prior to the current meeting, would like to nominate as Chairman, Wayne Whitman; as Vice-Chairman, Susan Hurt. She then opened the floor for other nominations. Jack Errante motioned to close the nomination on the said names. Anne Lyles seconded the motion. Commission members voted AYE for both nominees as presented by the Committee.

Requests for Certificates of Appropriateness

H-06-07 604 N. Main St. – Charles Shuler, owner; Gray Stout, agent
Request: New entry doors on existing building – replacing existing door and sidelights which are not original to the building

Michael Lippard was sworn as agent to give testimony for the request.

Michael Lippard testified that Mr. Shuler would like to replace the existing unoriginal single entry door and sidelights on the building with new double doors and transom. The wood doors will be painted to match existing colors, and the transom will match the existing.

Mr. Lippard testified in response to a question from Anne Lyles that the purpose for the increased width at the entrance is for the capability of bringing larger items through the doors.

In response to Judy Kandl who asked Mr. Lippard how wide each door would be, he testified that they would be matching sizes; however, if 2 same sized doors could not be obtained he would come back to the Commission.

Ron Fleming asked if the existing sidelights were original, to which Mr. Lippard said, “No, we believe that there were probably double doors there originally.” He further stated that he did not have any original photographs.

Judy Kandl voiced her concern about the width of the doors as related to the ADA codes. She stated that the opening appeared to be 5 ft. at most, and explained why both doors would probably need to be opened for persons who might need the full width of a door to enter.

Anne Lyles stated that if both doors are kept unlocked there would be no problem to use both for entrance.

Kathy Walters stated that from her recollection there has not been an approval made for a non-residential non-ADA compliant door in the past 8 years

Mr. Lippard informed Commission members that the existing door is not ADA compliant. It has a greater than 1-12 ramp with no hand rails.

Susan Hurt said, “We can’t turn it down because of ADA if it meets the Design Guidelines.”

Jack Errante read the following statement from the Non-Residential Design Guidelines Chapter 2 Changes to Buildings – Storefronts: *Due to fact that many of these original façades were effectively destroyed, the guidelines for storefronts and upper façades have been written to encourage preservation and reconstruction whenever possible, but also addresses new designs and their compatibility with the historic district.* He noted that the request is for something that is going back closely to what it originally was.

Judy Kandl read the following guideline: *Whenever change are required to meet the building or accessibility codes, they should be done in a way that is the least intrusive to the façade and without destroying historic materials and features.* She said they were being asked to approve something that is not going to comply with the accessibility codes.

Susan Hurt said, “..... this is not the body that decides if it meets code.”

The Chair then called for a motion. There was no one present to speak in support or opposition to the request.

Susan Hurt made the following motion: “I move that the Commission find the following facts concerning Application #H-6-07 – that Charles Shuler, owner of 604 N. Main St., appeared before the Commission through his agent, Michael Lippard of Stout Studio Architecture, and sought a Certificate of Appropriateness to replace existing non-original door and sidelights with double doors that include a similar transom to what exist on the building and an attempt to use the same paint colors; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 Changes to Buildings, Storefronts, pages 20-22, guidelines 1-6 of the Non-Residential Historic District Designs; therefore, I further move that a Certificate of

Appropriateness for Application #H-06-07 be granted to Charles Shuler, owner of 604 N. Main St. to make the changes detailed in the application.”

Kathy Walters seconded the motion; all members present voted AYE.

H-07-07 602 N. Main St. – Charles Shuler, owner

Request: New building adjacent/connecting to existing Shuler Pool Company building.

Staff presented slides as Michael Lippard testified that there is an old concrete shed located behind the existing pool that is proposed to be demolished. A new building will be constructed that will connect to the existing pool building adjacent to the existing brick building.

He presented footprints of both the existing building and the proposed building.

Susan Hurt stated that a motion for the demolition of the old building should come first and then the request for the construction. She explained that there would not be a problem with demolishing the building, but the process does need to be done the right way, which includes notification to adjoining property owners.

Charles Shuler was sworn to give testimony for the request.

Mr. Shuler testified that he acquired the property in 2006 because the previous owner received notification the building needed to be demolished. He asked if that fact would make a difference as to whether or not it could be added to the present agenda.

Janet Gapen said, “That comes under a separate review process, and there are procedures that we have to adhere to because it is in the historic district and requires a review for a demolition.”

Commission member Jack Errante asked if they could hear the new construction request and then vote on it at the next meeting. He said there may be clarifications that could be made for the owner/agent before they resubmit for the next meeting.

Janet Gapen suggested reviewing the request and then adding a mitigating factor or condition stating that approval is based upon an approval for demolition.

Wendy Spry stated that they are only seeking approval for the concept at this time because there are site plan issues that have not been met relative to zoning, parking, and landscaping.

Wayne Whitman suggested that the request be tabled until the next meeting.

In response to Judy Kandl's question concerning a courtesy hearing, Janet Gapen stated that they could not hold a courtesy hearing.

Following the discussion of the various suggestions on how to handle the hearing of the present request, the Commission agreed to hear the request and then table until approval was given for demolition.

Wendy Spry informed Mr. Lippard that the plans submitted for review were not sufficient for parking, landscaping, etc., so he could submit at any time for a zoning review.

Mr. Lippard then continued with the presentation of testimony for the current request.

He gave the following information regarding construction of the new building:

- Brick façade
- Double-faced and adjacent to the former building
- Metal open door-front
- Black metal awnings
- Black aluminum storefront
- Black aluminum frame windows on the front and side

Material and brick samples were presented as well as pictures of the exterior lighting.

In response to a question from Jack Errante, Mr. Lippard stated that quite a bit of dirt will need to be removed. The level of the new construction will be slightly higher than the original level in order to get an on-grade entry in the back where the parking lot will be located.

Ron Fleming asked if wood frame windows had been considered for the structure, to which Mr. Lippard stated "Yes, they were considered but they were determined to be price prohibitive and their preference is for metal in keeping with the modern building.

Wendy Spry reported that DRAC had reviewed and made quite a few suggestions and changes. The revisions were made to the plan before the application was submitted.

In reference to questions relating to parking, Janet Gapen stated that parking would be reviewed by zoning and was not a part of Historic Preservation Commission review. She stated that if their current plan did not meet zoning requirements then it could mean that they would be back for changes to the plan.

Mr. Lippard stated that he would like to be able to take advantage of the city's new zoning requirements for their parking when it is completed.

Janet Gapen informed the Commission that the city is rewriting the zoning code and it would be late spring or early summer at least before it is completed. If they plan to begin before the changes are final they would need to comply with the current zoning.

Judy Kandl informed the Commission that her observations of the new building are the same as her concerns had been of the entrance door in the previous request. She said, “The appearance of the building would be different if it were an ADA compliant building.” She explained by saying, “when there is a brand new building and no one can come into the front door who could not climb the 2 steps, that seems to me to be a challenge that affects how the building looks.”

Susan Hurt suggested that the request be tabled until the Certificate of Appropriateness is granted for the demolition and other clarification of plans.

Ronald Fleming seconded the motion; all members present voted AYE.

H-12-07 209-211 E. Bank St. – Allen Moeller, owner

Request: Remove 2 trees that are bad and leaning toward house; will plant replacement trees in the future. Note: Tree on left is 26” in diameter, tree on right is 22” in diameter.

Allen Moeller was sworn to give testimony for the request.

Staff presented slides and Mr. Moeller presented pictures to show the 2 trees that he is concerned about. He testified that the roots of the one of the trees have begun to lift the sidewalk, and the other is leaning badly toward the house. He pointed out areas in the tree that are bad. In addition, he stated that Duke Power had cut away quite a bit around the power lines. The limbs, he said, are growing into the power lines again so he could not imagine how the tree will look after even more limbs are cut.

Mr. Moeller stated that he was open for suggestions because he did not have any reference as to what trees should be replanted.

Anne Lyles noted that at one time E. Bank St. was lined with Maple trees; she wondered if Maple trees could be replanted, though further back since they are known to present problems for electrical lines.

Mark Martin, Landscape Manager for the city, was sworn to give testimony.

Mr. Martin testified that the trees are healthy; however, there are some problems. He confirmed that Duke Power had done some trimming and will continue to do so, which does deteriorate the condition of the trees. Mr. Martin further testified that one of the trees is leaning toward the house. He stated that the tree has some decay in it but not major. Mr. Martin said from his inspection, there was no sign of root decay. The roots are pushing up the sidewalk which means that they are strong and growing.

He informed the Commission that he did not know where another tree could be planted as there is not enough room in the front or on the sides. He recommended a different type of Maple tree be planted – one that would provide beauty as well as shade.

In response to a question from Jack Errante, Mr. Martin stated that the best time for planting trees is getting close to the end; new ones should be planted at least by the end of April. The best time, he said, is October and November.

Susan Hurt asked Mr. Moeller if he would be willing to plant other trees. He testified that he was willing to plant smaller trees such as the small Maple but requested help in deciding the best location.

There was no one present to speak in support or opposition of the request.

Kathy Walters made the following motion: "I move that the Commission find the following facts concerning Application #H-12-07 – that Allen Moeller, owner of 209-211 E. Bank St., appeared before the Commission and sought a Certificate of Appropriateness to remove 2 trees (22" and 26" in diameter) that are bad and leaning forward toward the house, replacing them with trees in the future; that Mark Martin, City of Salisbury Landscape Manager, appeared before the Commission to report on his examination of the trees, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 Site Features and District Setting – Landscaping, pages 63-63, guidelines 3 and 4 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-12-07 be granted to Allen Moeller, owner of 209-211 E. Bank St., to make the changes detailed in the application with the following changes agreed to by the applicant: in the Autumn of 2007, replacement trees (smaller size of Maple trees) will be planted, that Mark Martin has agreed to assist Mr. Moeller."

Ronald Fleming seconded the motion; all members present voted AYE.

H-13-07 207 S. Ellis St. – John K. Bridges & Wanda J. Johnson Bridges, owner –
Request: Demolition of garage

Judy Kandl requested to reclude herself for the hearing of this request. The motion was made by Anne Lyles, seconded by Jack Errante.

Pete Bogle, agent, was sworn to give testimony for the request.

Staff presented slides as Pete Bogle testified that the owner is requesting the demolition of the garage/carport which is in poor structural shape because of termite damage. He also stated that the structure no longer meets the needs of the owner.

Janet Gapen presented a copy of the 1931-1950 Sanborn map which she said would be the closest documentation she could think of to determine when the garage was built.

The structure is wood. From the slides he indicated the areas of the termite damage. In response to a question from Jack Errante Pete Bogle stated that he did not see any active termites when he took pictures of the structure during cold weather; however, he did not know if the structure had been treated for termites or not.

There was no one present to speak in support or opposition of the request.

Anne Lyles made the motion as follows: “I move that the Commission find the following facts concerning Application #H-13-07 – that Pete Bogle, agent for John K. Bridges and Wanda J. Johnson Bridges, appeared before the Commission and sought a Certificate of Appropriateness to demolish a garage on the property; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 5 – Demolition or Relocation of Buildings – Demolition, pages 68-69, guidelines 1 and 2 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-13-07 be granted to John K. Bridges and Wanda J. Johnson Bridges, owners of 207 S. Ellis St., to make the changes detailed in the application.”

Jack Errante seconded the motion; all members present voted AYE.

Jack Errante made the motion for the return of Judy Kandl to her seat. Ronald Fleming seconded the motion; all members present voted AYE.

H-14-07 421 S. Ellis St. – Donna & Pete Prunkl, owner

Request: 16’ x 18’ potting shed and storage area: wood construction, same color shingles as the house

Pete Prunkl was sworn to give testimony for the request.

Mr. Prunkl began by informing the Commission that he was granted a Certificate of Appropriateness earlier in the year for a 21 x 34 ft. garage; however, when he got estimates to build the garage it was beyond their budget. He is now seeking approval for a 16 x 8 ft. potting shed and storage area.

He testified that it would match the existing house with architectural shingles, wood siding, and matching color.

Judy Kandl informed Mr. Prunkl that that the new plan is hard to visualize because it seems to have been shrunk down to the preferred size from the original plan. She said by the time all the trim that the house has is added everything may not fit. She said, “All those things have a bigger dimension to them than what your drawing shows.”

Mr. Prunkl stated that if there is some problem with the trim, he would be willing to modify to meet whatever recommendations they might have.

She then asked Mr. Prunkl to describe the proposed windows which are shown on the front facing the back of the house, and another style on the east side facing the neighbor’s garage. He explained that that both of the windows would open into the potting shed; there would be no windows in the storage area. He stated that the windows are salvaged so they do not match the windows in their house.

Kathy Walters informed Mr. Prunkl that since the smaller windows in his house are 6/6, the Commission would prefer that the same size be used in the structure since he is mirroring the appearance of the house. Mr. Prunkl said he would be happy to comply with that.

Mr. Prunkl explained, in response to a question from Susan Hurt, that the pitch of the roof has changed because the peak of the roof was not in the center in its new location.

In response to questions concerning setting a precedent, Janet Gapen stated that outbuildings such as the one proposed by Mr. Prunkl can be found in all of the historic districts and she cannot see there should be concern about it being any type of precedent. She said, “the bigger concern here is compatibility of this particular design.”

Judy Kandl noted that Mr. Prunkl did comply with the following Outbuildings and Garages guidelines:

6. If a historic garage or outbuilding is completely missing, replace it with either a reconstruction based on accurate documentation or a new design compatible with the historic character of the main building or historic outbuildings in the district.
7. Keep the proportion and the height of new garages and outbuildings compatible with the proportion and the height of historic garages and outbuildings in the district.
8. In constructing new garages and outbuildings, use traditional roof forms, materials, and details compatible with the main building or historic outbuildings in the district. Prefabricated storage buildings are appropriate provided they have a shingle roof and are made of wood painted in a color that complements the house. Storage buildings constructed of metal, vinyl or plastic are not appropriate.
9. Locate new garages and outbuildings in rear yards and in traditional relationship to the main building.

There was no one present to speak in support or opposition to the request.

Jack Errante made the following motion: “I move that the Commission find the following facts concerning Application #H-14-07 – that Pete Prunkl, owner of 421 S. Ellis Street, appeared before the Commission and sought a Certificate of Appropriateness to construct a wood potting shed and storage area, painted and shingled to match the house; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Garages and Outbuildings, pages 24-25, guidelines 6-9 of the Residential Historic District Design Guidelines; since there are no mitigating factors, I further move that a Certificate of Appropriateness for Application H-14-07 be granted as amended to Peter Prunkl of 421 S. Ellis St. to make changes detailed in the application with the following changes agreed to by the applicant: the windows should be changed to comply with those on the main building, and the trim will match the house.”

Kathy Walters seconded the motion; all members voted AYE.

H-15-07 501 W. Monroe St. – Marsha K. Hyll, owner

Request: Painting entire exterior of house as per submitted schedule

NOT PRESENT

H-16-07 907 N. Main St. – Neal C. Smith, owner

Request: Driveway – Pipe for drainage, base rock fill and crush run base

Susan Hurt requested to be excused from the hearing of this request. The motion was made by Anne Lyles, seconded by Judy Kandl.

Neal Smith, owner, was sworn to give testimony for the request.

Mr. Neal began his testimony by informing the Commission that his shared driveway is not adequate enough, and is one of the major reasons he has been unable to sell his house. He informed the Commission that he also has problems with his neighbors loading up the driveway.

He showed the area where he wanted to locate the driveway and testified that he had put gravel in that area and parked there before and nothing was said. He said there is no curb there anymore because the state has filled the asphalt up.

In response to Kathy Walters who asked if there was an open city storm drain, Mr. Neal said the drain was put there by the owner, and does not go all the way the length of the property, nor is it maintained by the city.

Wendy Spry informed the Commission that she had spoken with the city engineer concerning the drainage issues and was told that the drainage problems would need to be addressed if and when approval was granted for the driveway. A site plan would need to be submitted to the engineering staff for review.

She further stated that Jeff Leach from DOT has looked at site and determined that he did not have a problem with a second driveway. Mr. Leach said the site distance was fine, but noted that the drainage ditch would be a concern. He recommended a turn-around facility in the back of the property to prevent backing out into North Main St., and the apron needed to be a standard 50 ft. curb and gutter approach that is either paved with asphalt or concrete. A driveway permit application would not be required from the state.

In response to questions from Commission members, Mr. Neal testified that the proposed driveway would be 8 ft. wide. He said he would not be infringing on the adjoining property, and only one bush would need to be removed.

Janet Gapen presented additional drawings to show the configuration and pattern of existing driveways located in the 900 block of N. Main St.

Gregory Smith, 515 Klumac Rd., was sworn to speak in support of his brother's request. He also testified that the house would not sell because of the shared driveway, stating that it had been on the market for a year.

Robert Julian, realtor, was sworn to speak in support of the request. Mr. Julian confirmed the testimony previously given that the shared driveway was a problem in selling the house. He said it would be much better for the property if the new driveway was approved.

Judy Kandl read the following Driveways and Off-street Parking Guidelines:

1. Retain and maintain the historic configuration and materials of existing driveways and alleys whenever possible.
2. Construct new driveways to conform with the spacing, the width, the configuration, and the materials of existing driveways.
3. Locate new driveways so that a minimum of alteration to historic site features, such as landscaping, walkways, and retaining walls, is necessary. Avoid damage to historic curbs and sidewalks.
14. It is not appropriate to abut new driveways or parking areas directly to the principal structure.

Ron Fleming asked Mr. Neal if he would be willing to pave the driveway with asphalt or concrete as required by the state. Mr. Neal stated, "Yes."

He responded "Yes" when asked by Judy Kandl if the existing shared driveway would remain.

Pat Sylvester, 820 N. Main St. was sworn to speak in opposition to the request. She asked the Commission if approval of the request would set a precedent. Judy Kandl replied, "Any decision makes a precedent."

Judy Kandl stated that the fact that the house is on the market should be ignored; the issue is a house with a request for a 2nd driveway. She stated that there are shared driveways in most of the historic districts.

Ms. Kandl made motion as follows: "I move that the Commission find the following facts concerning Application #H-16-07 – that Neal C. Smith, owner of 907 N. Main St., appeared before the Commission and sought a Certificate of Appropriateness to install a new driveway, and pipe for drainage, with base rock fill and crush run base; that Gregory Smith, Robert Julian, appeared before the Commission to support the request, and Pat Sylvester appeared in opposition to the request; this request should not be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Driveways and Off-street Parking, pages 60-61, guidelines 1,2,3 and 15 of the Residential Historic District Design Guidelines; mitigating factors: neighborhood pattern is critical to this issue; therefore, I further move that a Certificate of Appropriateness for Application #H-16-07 be denied to Neal C. Smith, owner of 907 N. Main Street, to make the changes detailed in the application."

Ronald Fleming seconded the motion. Commission members Kandl, Fleming, and Walters voted to deny the request; Commission member Errante voted to grant the request.

The Chair informed Mr. Neal that he could appeal the decision to the Zoning Board of Adjustment if he so chose.

Wayne Whitman made the motion for Susan Hurt to return, seconded by Jack Errante.

Committee Reports

Minor works: The minor works approvals were accepted as information following Wendy Spry's clarification of the approvals for 501 W. Monroe St. and 221 E. Fisher St. requested by Jack Errante.

Wendy Spry reminded Susan Hurt that as Vice-Chairperson she would be on the minor works committee.

Preservation Month Committee: Janet Gapen presented the committee report from the meeting held on March 29th with Commission members Judy Kandl and Anne Waters; staff, Janet Gapen in attendance. The committee met with Audrey Eudy from the Salisbury Post to discuss publicity for the coloring contest and other events.

Janet Gapen informed the Commission that there would be an HPC Information Station set up at the Friday Night Out, May 11th, 5-9 p.m. The station will be manned by Commission member volunteers. The Ice cream Social will be held Saturday, May 19th, 3-5 p.m., at the Bell Tower. Ron Fleming, Judy Kandl, and Wayne Whitman volunteered for both dates and Jack Errante for May 11th. Ms. Gapen asked that others who might be able to volunteer to let her know.

Ms. Gapen suggested the idea of having someone in a historical costume on site for the Ice Cream Social. The names of Charles Sowers, and Lord Salisbury were suggested. Ron Fleming stated that he would contact a Civil War impersonator that he knew of.

Minutes

Judy Kandl requested an additional statement to the minutes. Susan Hurt then made the motion to approve as presented; seconded by Jack Errante, and all members voting AYE.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned by the Chairman.

Wayne Whitman, Chairman

Judy Jordan, Secretary